

Lease Stipulation Review at Lease Sale Stage

The lease sale process is another opportunity to conduct stipulation reviews. During the screening of parcels prior to including on a lease sale notice, Field Offices normally recommend certain stipulations be attached to a parcel, or may even recommend that a parcel be deleted from the sale. In addition to the review described above, State Offices must assure that these recommendations conform to the management prescriptions in the current land use plan. Any deviation from current Planning documents, whether to delete parcels or to add stipulations must be supported by adequate justifying documentation for doing so. The policy guidance for deleting or deferring lease parcels during Planning exercises is contained in Instruction Memorandum No. 2001-191 is hereby extended to all oil and gas lease sales.

The review of lease stipulations and recommendations for lease sales should be an interdisciplinary process. State Offices should consider a model used in Wyoming, whereby the State Office utilizes a State Office Oil and Gas Lease Stipulation Committee. The Committee ensures that oil and gas lease stipulations are in conformance with existing Resource Management Plans (RMP) and that there is statewide consistency in lease stipulation application and format. This may be a chartered committee, composed of representatives from each State Office Resource division. The division representatives are responsible for collecting and consolidating technical input from specialists within his/her division on an as needed basis. All Committee members attend regularly scheduled committee meetings. The committee should be chaired by the Fluids Minerals Team lead.

Each field office manager assigns one individual to serve as the designated oil and gas lease stipulation contact person with lead responsibility for consolidating and finalizing the field office's preliminary sale notice response and help the SO Committee develop lease stipulation policy and procedures. Each field office reviews their RMP(s) and verifies that nominated parcels are lands eligible for oil and gas leasing and recommends stipulations for the parcels that are in conformance with the RMP. The field office manager ensures NEPA adequacy, ensures that the parcels have been stipulated consistent with the RMP, and ensure the stipulations are in the proper format. A master list of the geographic area, the resources to be protected, and the applicable NEPA document and page(s) should accompany the Determination of NEPA Adequacy (DNA). The field office manager must sign the DNA forms.

The SO Lease Stipulation Committee reviews the statewide preliminary sale notice for NEPA adequacy, confirms consistency with the RMP, ensures the lease stipulations are in the proper format, and evaluates any parcel-deletion recommendations. The Committee must complete the review of the preliminary sale notice responses prior to the due date for the final Sale Notice. The Committee meets in order to resolve any problems and finalize the lease sale notice.

A Committee representative is responsible for contacting the designated field office oil and gas lease stipulation representative if there are any questions regarding lease stipulations and parcel deletions. The Committee prepares a memorandum or check sheet to the responsible DSD, with recommendations regarding parcel deletion, deferral, and any other leasing issues. The Committee also schedules any statewide lease stipulation policy and/or procedure meetings.